

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>THE CITY OF DALLAS, TEXAS,</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>Civil Action</b>
	§	<b>No. 3:07-cv-0060-P</b>
	§	
<b>H. DALE HALL, et al.,</b>	§	
<b>Defendants.</b>	§	
	§	<b>(Consolidated with</b>
	§	
<b>THE TEXAS WATER DEVELOPMENT BOARD,</b>	§	
	§	
<b>Plaintiff,</b>	§	<b>Civil Action</b>
	§	<b>No. 3:07-cv-0213-K)</b>
<b>vs.</b>	§	
	§	
<b>THE UNITED STATES DEPARTMENT OF THE INTERIOR, et al.,</b>	§	
	§	
<b>Defendants.</b>	§	

**TEXAS WATER CONSERVATION ASSOCIATION’S  
MOTION FOR LEAVE TO FILE AMICUS BRIEF  
IN SUPPORT OF PLAINTIFFS’ MOTIONS FOR  
PARTIAL SUMMARY JUDGMENT**

The Texas Water Conservation Association (“TWCA”) moves the Court pursuant to Local Rule 7.2(b) of the United States District Court for the Northern Division of Texas, Dallas Division, to permit the filing of TWCA’s amicus curiae brief in support of Plaintiffs Texas Water Development Board’s and the City of Dallas’ motions for partial summary judgment, and in opposition to federal Defendants’ H. Dale Hall, Secretary of the Interior, and the United States Department of the Interior, et al., motions for partial

summary judgment. All parties have been consulted with regard to this motion. A copy of TWCA's amicus brief is attached.

### **Texas Water Conservation Association's Interests**

The Texas Water Conservation Association ("TWCA") is a statewide association of governmental and private entities that are active and vitally interested in the water resource field. TWCA's membership consists of approximately 400 members, including municipalities, river authorities, water districts and industries, as well as firms and individuals in the engineering, legal and hydro-geology fields, among other individuals and businesses active in various phases of water supply and development. TWCA's governmental members are responsible for providing public water supplies for most Texans, among other essential governmental services. The broadly stated purpose of TWCA is to foster the development, conservation, protection and utilization of the State's water resources for beneficial use by the citizens of Texas. TWCA is also a forum for developing and recommending water policy initiatives, and it provides a voice for Texas "water interests" on state and federal water issues.

### **Purpose of TWCA'S Amicus Brief**

TWCA represents governmental and private entities and persons interested in the long-term provision of adequate and safe water supplies to the citizens of Texas. Its viewpoint is state-wide and not concerned merely with the outcome of any particular project, or the outcome of a challenge to any particular project. TWCA's participation as amicus curiae in this case will provide another viewpoint not represented by the parties in this case.

**Conclusion**

The Texas Water Conservation Association respectfully requests that the Court grant this Motion for Leave to File Amicus Brief, and to permit TWCA to participate amicus curiae.

Respectfully submitted,

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\_\_\_\_\_/s/ Sydney W. Falk, Jr.  
Sydney W. Falk, Jr.

Counsel for the Texas Water Conservation  
Association

**CERTIFICATE OF CONFERENCE**

I, Sydney W. Falk, Jr., certify that I have contacted counsel for the Texas Water Development Board, the City of Dallas, and the federal Defendants. The Texas Water Development Board and the City of Dallas are unopposed to the granting of this motion, and the Fish and Wildlife Service indicated it will object..

\_\_\_\_\_/s/ Sydney W. Falk Jr.  
Sydney W. Falk, Jr.

**CERTIFICATE OF SERVICE**

I certify that on April 7, 2008, a copy of the Texas Water Conservation Association's Motion for Leave to File Amicus Brief in Support of Plaintiffs' Motions for Partial Summary Judgment and the associated proposed order, together with a copy of TWCA's amicus brief, was filed with the court on the court's ECF System, and that these documents were thus caused to be served electronically on the ECF-registered persons / parties listed below, using the ECF System for filing and transmittal of a notice of electronic filing.

/s/ Sydney W. Falk, Jr.  
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